

## DEVELOPMENT CODE

### **ARTICLE 151.27** **SPECIFIC PLANS**

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#### **Section 151.27.001**

##### **Purpose**

The Specific Plan zone shall be composed of all land within the City of Sierra Vista for which a specific plan has been adopted by the Council pursuant to the provisions of *Article 151.27*. The applicable development policies and/or implementing regulations including, but not limited to, permitted uses, density requirements, setback, site, and architectural design standards and other regulations applicable within a Specific Plan Zone shall be those referenced or contained within the specific plan adopted by the Council pertaining to the land within that zone.

The purpose of this Article is to provide uniform procedures and criteria for the preparation, review, adoption and implementation of specific plans as authorized by A.R.S. Section 9-461.08.

Specific plans shall be in substantial conformance with the Sierra Vista General Plan. A general plan amendment shall be required when a proposed specific plan is not in conformance with the adopted Sierra Vista General Plan. In addition, adopted specific plans shall be consistent with the intent and purpose of the Development Code. Upon approval, the specific plan supersedes any provision in the Development Code to the contrary.

Provisions contained in the Development Code related to Planned Area Developments shall not be applicable to property which is regulated by an adopted specific plan.

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### Section 151.27.002

#### **Application Submission Procedures**

- A. Who May Make Application. A specific plan shall be made only by the property owner(s) of the subject property; or an agent for the property owner(s); or the City of Sierra Vista, upon initiation by the City Council.
- B. Restriction on Application.
1. Consent. If initiated by a property owner or their agent, the written consent of all property owners of record within the proposed specific plan zone shall be required at the time of application submittal.
  2. Configuration. A proposed specific plan application that excludes an area within the plan boundary shall not be allowed.
- C. Submittals
1. Contents. All specific plan submittals shall include, at a minimum:
    - a. A completed and signed application on a form prescribed and established by the Director of Community Development.
    - b. A legal description of the property.
    - c. A precise map showing the land to be regulated by the proposed specific plan.
    - d. The written consent of all owners of the real property to be regulated by the specific plan and a list, by name and title, of all ownership interests in the real property, except for specific plans initiated by the City.
    - e. A letter of authorization for an agent, if applicable.
    - f. Statement of Intent of the Specific Plan (refer to *Article 151.27.002,D*).
    - g. A Site and Area Analysis Report (refer to *Article 151.27.002,E*).
    - h. Concept Plan (refer to *Article 151.27.002,F*).

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- i. Specific Plan proposal (refer to *Article 151.27.002,G*).
  - j. List of property owners (refer to *Article 151.27.004*).
- 2. Submit fees at time of application (refer to *Section 151.27.002,C,1,a*) in accordance with *Section 151.27.008*.
- 3. Incomplete submittals will not be reviewed.
- D. Statement of Intent. The Statement of Intent is a written statement that outlines the need or desire for a Specific Plan. It may include, but is not limited to, the following reasons:
  - 1. The Specific Plan preserves significant open space where other zoning is not as effective.
  - 2. The Specific Plan contains areas of significant environmental constraints where additional regulations are desirable.
  - 3. Significant deviations from the existing standards or procedures are desired.
  - 4. The property owners want to establish uniform regulations for land use, signage, roads, landscape, etc.
  - 5. A Specific Plan provides certain mutual advantages over a land use policy plan or a rezoning.
  - 6. The public will benefit from a Specific Plan in this area.
- E. Site and Area Analysis. The Site and Area Analysis is a map and text summary of the site conditions existing on the land to be regulated by the specific plan. The site and area analysis report shall include the following elements. The Director of Community Development may prepare forms and documents to specify the details of these required elements.
  - 1. Surface hydrology and water resources.
  - 2. Topography and slope analysis.
  - 3. Summary of General Plan requirements.

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4. Environmental overview and assessment, including soils, geology, and type of vegetation.
5. Existing structures, roads, and other development.
6. Existing infrastructure and public services.
7. Existing zoning/land use information.
8. Traffic analysis.
9. Cultural resource investigation.
10. Synthesis and summary of analysis.

In addition, the following elements may also be required as determined by the Director of Community Development at a pre-submittal conference.

1. Special studies.
2. Market study.
3. Endangered species analysis.
4. Visual analysis.

F. Concept Plan. The Concept Plan, a graphic illustration of potential land uses with descriptive text, shall be presented to the Director of Community Development upon completion of the preliminary Site and Area Analysis Report. The Director of Community Development will make a preliminary determination as to conformance with the Sierra Vista General Plan, will determine whether a Plan amendment is required, and will identify planning issues to be addressed in the submittal of the final Specific Plan. If it is determined that a plan amendment(s) is required, an application for General Plan Amendment shall be concurrently filed with the Specific Plan submittal. The Concept Plan shall contain the following:

1. Map elements showing natural and man-made constraints of the property; general allocation of land uses; and general layout of major circulation elements.
2. Text elements describing regulations and programs for implementation.

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G. Specific Plan Requirements. After preliminary approval of the concept plan, a complete specific plan will be submitted which includes, but may not be limited to, the following. The map(s) shall indicate existing and approved elements of the City's General Plan, and any proposed modifications for the Specific Plan Area. General Plan considerations include the Parks and Open Space Plan, the Surface Water Plan, and the Traffic Circulation Plan.

1. Map elements:

- a. All land uses with proposed densities and building heights.
- b. Existing and planned land uses within 300 feet of the specific plan boundary.
- c. Open space, recreational facilities, parks, and trails.
- d. Public, educational, health care, and religious facilities.
- e. Drainage strategy.
- f. Name and location of existing or proposed arterial and collector streets located within the area to be regulated by the Specific Plan or needed for servicing that area.
- g. Location and extent of existing or proposed provisions for sewage disposal, effluent use, storm water drainage, solid waste disposal, and public utilities.

2. Text. The text shall specify how and to what extent the Specific Plan is to supplement and/or deviate from the Development Code regulations. The text elements of the Specific Plan shall also describe the following:

- a. The objectives of the Specific Plan.
- b. The compatibility of the Specific Plan with adjoining land uses.
- c. Detailed regulations and programs for systematic implementation of the Specific Plan, and regulations including any annexation agreements, ordinance or policy changes required.
- d. Specific development standards for the map elements as described in *Section 151.27.002,E*.

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- e. Drainage strategy.
- f. Configuration and criteria for the phasing and maintenance of arterial and collector streets proposed for the specific plan area or needed for servicing the project.
- g. Configuration and criteria for the phasing and maintenance of sewage disposal, effluent use, stormwater drainage, solid waste disposal, and public utilities.
- h. Criteria for the conservation, development, or utilization of natural resources including surface water, soils, vegetation, and wildlife.
- i. General landscape program.
- j. For single-phase plans, a draft schedule for the preservation of site features established by the plan and the construction, dedication, and provision of public services.
- k. For multi-phased plans, a draft schedule for the preservation of site features established by the plan, the development of the various planning areas of the Specific Plan, and the construction dedication, and provision of public services.
- l. Provisions to update the Specific Plan every five years to reflect changing market conditions, governmental regulations, and physical conditions.
- m. Demonstration of conformance with the Sierra Vista General Plan, or, if required by the Director of Community Development, a General Plan Amendment application.

### **151.27.003**

#### **Coordination of Specific Plan Process**

The Director of Community Development shall review specific plan applications for the purpose of determining whether such applications are in conformance with the provisions contained in *Section 151.27.002, Application Submission Procedures*. Steps for Specific Plan review shall be as follows:

- A. Pre-Application Conference. The applicant shall schedule a pre-application conference with the Director of Community Development. At this meeting, the Director of Community Development will

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provide a specific plan checklist to advise the applicant of the steps necessary for Specific Plan adoption.

- B. Application Submission. The applicant will submit an application on a form developed by the Director of Community Development, a Statement of Intent (*Section 151.17.002,D*), and will pay any fees referenced in *Article 151.27.009*. At this time the applicant may also submit a preliminary Site and Area Analysis Report (*Section 151.27.002,E*) and a preliminary Concept Plan (*Section 151.27.002,F*).
- C. Concept Review. Upon submission of the application items (refer to *Section 151.27.003,B*), the Director of Community Development will commence staff review of the proposal. The Director of Community Development shall be responsible for advising the applicant in writing within 25 working days following submission of the application items of any changes necessary in order to bring the application into compliance with the provisions of *Section 151.27.002*.
- D. Final Submittals. Following staff review, the applicant will submit a final Site and Area Analysis Report (*Section 151.27.002,E*) and a complete Specific Plan (*Section 151.27.002,G*). Following submittal of these elements, the Director of Community Development shall be responsible for advising the applicant in writing, within 25 working days following the submittal, of any further changes necessary in order to bring the application into compliance with the provisions of this Section. Failure of the Director of Community Development to notify the applicant, per this Section, of changes necessary in order to bring the application into compliance shall be deemed an acknowledgment that the Specific Plan application is complete.

### **151.27.004**

#### **Commission Review**

All applications for a Specific Plan shall be considered by the Commission at a public hearing, advertised in accordance with *Section 151.27.004,A*. This public hearing shall be held no later than 60 days following the applicant's submittal of a complete Specific Plan application in accordance with the provisions of *Section 151.27.003,D*, unless a longer period is agreed to in writing by the applicant.

#### A. Public Notice.

Notice of the time, date and place of the public hearings, including a general explanation of the matter to be considered and/or including a general description of the area affected, shall be given at least 15 days before each hearing in the following manner:

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1. Each notice of public hearing shall be published at least once in a newspaper of general circulation published or circulated in the City and posted at City Hall, the Public Library, the Community Center and seven other locations in the City that the City Clerk may deem necessary or advisable.
2. Notice of the time, date and place of the hearing shall be posted on the affected property. A posted notice shall be printed so that the following are visible from a distance of 100 feet: the words "Specific Plan", the present zoning district classifications, the proposed zoning district classification (Specific Plan) and the date and time of the hearing.
3. Notice of the time, date and place of the hearing shall be mailed by certified mail to the owner(s) and applicant(s) or agent.
4. Notice of the time, date and place of hearings shall be sent to all owners of property within 300 feet of the affected property. Unless otherwise provided, addresses for a mailed notice required by this Code shall be obtained from the County's real property tax records. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice. In addition to persons who receive notice as required by the matter under the consideration, the City may provide notice to others if it has reason to believe that they are affected or otherwise represent an interest that may be affected by the proposed development.
5. In proceedings for land which abuts other municipalities or unincorporated areas of the County or a combination thereof, copies of the notice or public hearing shall be transmitted to the planning agency of such governmental unit controlling such abutting land.
6. In proceedings governed by this Section, the City shall provide notice to real property owners pursuant to at least one of the following notification procedures:
  - a. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.
  - b. The City shall publish such changes prior to the first hearing on such changes in a newspaper or general circulation in the City. The changes shall be published in a "display ad" covering not less than 1/8 of full page.



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7. If notice is provided pursuant to Subsections (b) or (c) of Paragraph 7, the City shall also send notice by first-class mail to persons who register their names and addresses with the City as being interested in receiving such notice.
8. Notwithstanding the notice requirements set forth in Subsection A of this Section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

B. Recommendation by Director of Community Development. The Director of Community Development shall review the specific plan application for the purpose of formulating a written recommendation to the Commission. The recommendation may include, among other factors, discussion of the following:

1. Conformance of the proposed Specific Plan with the Sierra Vista General Plan and other applicable land use plans adopted by the City.
2. Assessment of the Site and Area Analysis Report described in *Section 151.27.002,E*.
3. Analysis of the expected impact of the proposed development on the site and surroundings.
4. Special regulations necessary for the proposed Specific Plan.

The written recommendation to the Commission shall be available for public inspection at least ten days prior to the date of the Commission public hearing.

C. Public Hearing.

1. After proper public notice, the Commission shall conduct a public hearing on the application, at which interested parties shall be heard.
2. The Commission shall recommend regulations necessary to protect the public health, safety, and welfare, and may recommend regulations unique to the plan or specific instructions for plan administration.
3. The Commission may continue the public hearing or its consideration of the proposed Specific Plan for a definite time not to exceed 30 days, unless a longer period is agreed to by the applicant in writing. The continuance may be granted by the Commission on its own initiative or at the request of the applicant or affected property owners.

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4. Within 30 days following the public hearing the Commission shall transmit a written recommendation on the application to the City Council.
- D. Superseding Effect. If there is a conflict between the provisions of this *Article 151.27* and *Article 151.31.004*, the stricter of the two shall apply to the rezoning of property to the Specific Plan Zone.

### **151.27.005**

#### **Council Review**

- A. Public Notice. Public notice of the Council hearing shall be given in the same manner as described in *Section 151.27.004, A*.
- B. Public Hearing.
  1. After proper public notice, the Council shall hold a public hearing on the application, at which interested parties shall be heard. The public hearing is to be held by the Council no later than 120 days following the applicant's submittal of a complete specific plan application in accordance with the provisions of *Section 151.27.002*, unless a longer period is agreed to in writing by the applicant.
  2. The Council may continue the public hearing or its consideration of the proposed specific plan for a definite time not to exceed 30 days, unless a longer period is agreed to by the applicant in writing. The continuance may be granted by the Council on its own initiative or at the request of the applicant or affected property owners.
  3. The Council may approve by ordinance the specific plan as submitted by the applicant or with amendments, deletions, or additions which promote the public's health, safety, and general welfare, or the Council may deny the request.

### **151.27.006**

#### **Specific Plan Amendments**

- A. Scope. All specific plans shall describe in sufficient detail the criteria and process for amendment, which shall be no less restrictive than the minimum requirements of this Section.

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B. Consistency. All Specific Plan amendments shall be in substantial conformance with the remainder of the specific plan, with the City of Sierra Vista General Plan, and with other applicable land use plans that have been adopted by the city.

C. Procedure.

1. The owner(s) or agent of the property may submit to the Director of Community Development a written application to amend one or more of the specific plan regulations.
2. The request shall be accompanied by documentation of unforeseen changes in the marketplace, governmental regulations, or natural conditions that have occurred since plan adoption which have necessitated an amendment.
3. The Director of Community Development shall determine if the amendment would result in a substantial change in plan regulations, which is a change in:
  - a. Density regulation, if the number of residences per acre increased by more than 10 percent or exceeds the maximum number of dwelling units (dwelling-unit cap) permitted within the plan; or
  - b. Policy regulation, when the regulation is a policy or a variation of a policy contained in an applicable land use plan; or
  - c. Design regulation, when change is to be made to quantified physical dimensions (such as buffers) that were established to adapt the plan to specific site characteristics or to mitigate development impacts on the site and surrounding area; or
  - d. Use regulation, when a use not otherwise permitted in the Specific Plan is sought.

A substantial change may require, as determined necessary by the Director of Community Development, submittal of an amended Site and Area Analysis Report.

4. If the request is determined not to be a substantial change, the proposed amendment shall require a public hearing and action by the Council. In addition, the Council may refer any amendment request to the Commission for its recommendation prior to taking action.
5. If the request is determined to be a substantial change, the Director of Community Development shall refer the request to the Commission for a public hearing and

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recommendation prior to public hearing by the Council. Both hearings shall follow notice requirements as set forth in *Section 151.27.004,A* of this Code.

- D. Protest. If the owners of 20 percent or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side extending 300 feet, or of those directly opposite extending 300 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of not less than six members of the Council.

If the Mayor or any member of the Council is unable to vote on such a question because of conflict of interest, then the required number of votes for passage of the question shall be 3/4 of the remaining membership of the City Council, provided that such required number of votes shall in no event be less than a majority (4) of the full membership of the Council.

### **151.27.007**

#### **Implementation of the Specific Plan**

Implementation of the Specific Plan shall be carried out through site plans and subdivision plan procedures, as delineated by *Articles 151.18 and 151.19*.

The pre-development conference shall establish the need for site planning and/or subdivision plat procedures. Included within the submission shall be a written statement with an explanation of the character of the development and the manner in which it has been planned to address the Specific Plan goals and objectives.

### **151.27.008**

#### **Fees and Fees of Consultants**

Non-refundable Specific Plan fees are required at the time of the filing of a Specific Plan application and are payable to the City Clerk. Fees shall be determined according to a schedule established by resolution of the Council and posted in the Office of the City Clerk. The City may require, in addition to the fees above, that the applicant pay all or a portion of the reasonable fees charged by private consultants retained by the City for the purposes of reviewing the proposed Specific Plan and advising the City officials and agencies with respect thereto. A memorandum of understanding shall be signed by the City and the specific plan owner(s) or agent stating the additional fee for the City's review consultants at the time of application submission.